

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 22-10445-X

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ESMELDA RUIZ,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of a Decision of the  
Board of Immigration Appeals

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ORDER:

Counsel please be prepared at oral argument to address the following questions:

1. Does the non-precedential single-member BIA decision in this case merit *Chevron* deference? *See, e.g., Barton v. U.S. Att’y Gen.*, 904 F.3d 1294, 1302 n.5 (11th Cir. 2018), *aff’d sub nom, Barton v. Barr*, 140 S. Ct. 1442 (2020); *see also, e.g., Perez-Zenteno v. U.S. Att’y Gen.*, 913 F.3d 1301, 1308 (11th Cir. 2019).
2. If not, does any other deference rule or regime apply? *See, e.g., Serrano v. U.S. Att’y Gen.*, 655 F.3d 1260, 1266 (11th Cir. 2011) (suggesting that *Skidmore* deference might apply).
3. What is the precise relationship between 8 U.S.C. § 1103(a) (stating that “determination and ruling by the Attorney General with respect to all questions of law shall be *controlling*” (emphasis added)) and the general rules of *Chevron* and *Skidmore* deference?

DAVID J. SMITH  
Clerk of the United States Court of  
Appeals for the Eleventh Circuit

ENTERED FOR THE COURT - BY DIRECTION